

CALIFORNIA COASTAL COMMISSION

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Fri-8

October 10, 2003

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR OCTOBER 2003

CONTENTS: This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal related legislation.

Note: This information can be accessed through the Commission's World Wide Web Homepage at www.coastal.ca.gov

Please contact Sarah Christie, Legislative Coordinator, at (916) 445-6067 with any questions on the material contained in this report.

PRIORITY LEGISLATION

AB 16 (Jackson) Oil and Gas Development

A reintroduction of AB 556 and AB 2327 from previous sessions, this bill would require that all new or expanded oil and gas production produced offshore must be transported onshore by pipeline, rather than by tanker or barge. Once onshore, the oil must be shipped via pipeline to an onshore processing facility. It also requires the use of best achievable technology for well abandonment.

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| Introduced | 012/02/02 |
| Status | Chaptered by the Secretary of State, Chapter 420, Statutes of 2003 |

AB 90 (Wyland) Coastal Commission: Membership

This bill would fix terms for all coastal commissioners at 4 years, but provide that the Governor's appointees continue to serve at the pleasure of the Governor.

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| Introduced | 01/08/03 |
| Status | Failed to meet Legislative deadline |

AB 105 (Wiggins) Agriculture Land Preservation

This bill would repeal the provisions establishing the Coastal Farmland Preservation Program and the California Environmental Quality Revolving Loan Program. Amendments taken on 07/02 state that it is the intent of the Legislature to appropriate \$48,000,000 from Proposition 40 funds to the Department of Conservation and the Wildlife Conservation Board for grants under the California Farmland Conservancy Program for the purpose of protecting grazing lands and grasslands.

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| Introduced | 01/10/03 |
| Status | Concurrence in Senate Amendments pending |
| Last Amended | 07/02/03 |

AB 121 (Simitian) Large Passenger Vessels: Water Quality

Federal law prohibits any state from prohibiting the discharge of sewage or graywater from large passenger vessels, unless the state applies to, and receives approval from, the United States Environmental Protection Agency. The bill would direct the SWRCB to apply for such authority with the EPA, and authorize the state to prohibit the discharge of both sewage and gray water by large passenger vessels operating in the marine waters of the state or all of the waters within the Cordell Banks, Channel Islands, Gulf of the Farallones and Monterey Bay National Marine Sanctuaries, if the request is approved by the EPA administrator. The bill would require an owner or operator of a large passenger vessel, as defined, to submit quarterly reports to the SWRCB itemizing the offloading or release of waste material from that vessel that occurred during the previous calendar quarter while the vessel was located in the marine waters of the state.

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| Introduced | 02/12/02 |
| Status | Chaptered by the Secretary of State, Chapter 488, Statutes of 2003 |

AB 204 (Nation) Motor Vehicles

This bill would authorize the Coastal Conservancy to establish the Transportation Fund for Clean Water Subaccount, for the acquisition of open space, and the protection, restoration, and enhancement of streams, creeks, wetlands and watersheds. The bill would impose a fee of up to \$4, to be collected by the Department of Motor Vehicles, upon the registration or renewal of registration of every motor vehicle registered in the county of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, or Sonoma for purposes of funding the account, should at least three of those counties choose to participate in the program. Ten percent of the funds collected would go to the Regional Water Quality Control Board to fund transportation-related water quality projects.

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| Introduced | 01/28/03 |
| Status | Failed to meet Legislative deadline, 2-year bill |
| Last Amended | 03/20/03 |

AB 260 (Jackson) Litter

This bill declares that Caltrans is devoting insufficient attention to litter cleanup on state highways in environmentally sensitive areas, and would require the department to assign a high priority, within its existing maintenance and litter removal program, to litter cleanup along state highway segments adjoining streams, rivers, beaches, the ocean, and other environmentally sensitive areas.

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| Introduced | 02/04/03 |
| Status | Chaptered by the Secretary of State, Chapter 489, Statutes of 2003 |
| Commission Position | Support |

AB 314 (Kehoe) Desalination Facilities

This bill declare that it shall be the established policy of this state that the development of desalination projects by or for public entities should be eligible for assistance and funding on an equal basis with projects for water supply reliability and efficiency, and should comply with all applicable environmental laws.

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| Introduced | 02/07/03 |
| Status | Chaptered with Secretary of State, Chapter 206, Statutes of 2003 |

AB 586 (Koretz) Litter and Marine Debris

This bill would impose a 2-cent fee on retailers who provide disposable plastic bags or cups made from less than 40% recycled material, and require that commercial establishments that encourage smoking outside their facilities provide ashtrays for cigarette butts. The fees would be divided between the Coastal Commission, Department of Parks and Recreation, Department of Conservation, CalTrans, for the purpose of providing grants to local governments and non-profit organizations for project related to recycling, litter control and reducing marine debris and litter.

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| Introduced | 02/18/03 |
| Status | Failed to meet Legislative deadline |
| Last Amended | 04/22/03 |

AB 947 (Jackson) Ocean Resources

This bill would require all state agencies to follow five priorities when planning and constructing coastal erosion projects in the following order: hazard avoidance, restoring natural sand supplies, beach nourishment, structure relocation, hard structure development. The bill would also require applicable state agencies, including the Coastal Commission, to complete a Coastal Sediment Management Master Plan within two years.

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| Introduced | 02/20/03 |
| Status | Held in Assembly Appropriations Committee. |
| Last Amended | 04/22/03 |

AB 974 (Nation) Coastal Zone: Native American Sites

This bill would amend section 30244 of the Coastal Act to require avoidance and mitigation measures for new development that would adversely impact archeological and paleontological resources, protect Native American cultural sites and sacred sites from significant disturbance, and require local governments, when processing a major amendment to their LCP, to include ordinances and procedures that implement these policies.

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| Introduced | 02/20/03 |
| Status | Senate Inactive File |
| Last Amended | 06/02/03 |
| Commission Position | Support |

AB 1212 (Pavley) Coastal Development: Permits

This bill would require that any coastal development permit issued for the purpose of sand replenishment must include a condition for onsite monitoring, and prohibit any the permit from being issued until the applicant provides a plan for onsite monitoring and supervision.

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| Introduced | 02/21/03 |
| Status | Chaptered by the Secretary of State, Chapter 285, Statutes of 2003 |

AB 1517 (Plescia) Stormwater

This bill states that it is the intent of the Legislature to utilize science based, results oriented, cost-effective water quality programs that draw upon the strengths of municipalities and reduce duplication of state and local agencies when implementing stormwater permits.

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| Introduced | 02/21/03 |
| Status | Failed to meet Legislative deadline |
| Last Amended | 04/07/03 |

AB 1548 (Pavley) Environmental Education

This bill would require the State Board of Education and the State Superintendent of Education to adopt statewide content standards for environmental education, as defined. The Board would be required to adopt content and performance standards for the new curriculum. This bill was formerly AB 907.

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| Introduced | 02/20/03 |
| Status | Signed by Governor 10/2/03. Chapter number not yet available |
| Commission Position | Support |

SB 18 (Burton) Sacred Sites

This bill would protect Native American Cultural Sites by expanding the jurisdiction of the Native American Heritage Commission (NAHC), and requiring consultation with Native American Tribes under CEQA. This bill would create a statewide, confidential Traditional Tribal Cultural Sites (TTCS) list, and require state agencies to incorporate the final determinations of the NAHC into their findings.

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| Introduced | 12/02/02 |
| Status | Failed to pass Assembly Floor |
| Last Amended | 08/25/03 |

SB 68 (Alpert) Water Quality: San Diego Bay

This bill would establish the San Diego Bay Advisory Committee for Ecological Assessment. The bill would require the committee to prepare a report relating to the water quality and regulation of the San Diego Bay. The bill would require the committee to submit the report to the Legislature, the San Diego Regional Water Quality Control Board, the state board, and the California Coastal Commission. Representatives to the committee may be appointed by the Governor, the San Diego Board of Supervisors, the US Navy, the San Diego City Council, the San Diego Port Tenants Association, the Industrial Environmental Association, the San Diego Unified Port District, the San Diego Convention and Visitors Bureau, Scripps Institute of Oceanography, the City of San Diego Metropolitan Wastewater Department, the State Water Resources Control Board, the San Diego Regional Water Quality Control Board and the California Coastal Commission.

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| Introduced | 01/17/03 |
| Status | Chaptered by the Secretary of State, Chapter 497, Statutes of 2003 |

SB 196 (Kuehl) Regional Boards: Membership

This bill would amend the Porter Cologne Act to reduce the number of appointments serving on Regional Water Quality Control Boards from 9 to 7, and require that they possess specified qualifications.

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| Introduced | 02/13/03 |
| Status | Chaptered by the Secretary of State, Chapter 272, Statutes of 2003 |

SB 216 (Sher) Endangered Species Recovery

Existing law requires the Department of Fish and Game to develop and implement a recovery strategy pilot program for the Greater Sandhill crane, and authorizes the Fish and Game Commission, based on recommendations from the department, to identify four additional candidate, threatened, or endangered species for which the department is required to develop and implement a recovery strategy. Under existing law, the pilot program is repealed as of January 1, 2004. This bill would continue that existing law beyond January 1, 2004, by extending the repeal date to January 1, 2009, and authorize the Commission to develop a recovery strategy for the coho salmon, and repeals the authorization to identify four additional candidate species.

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| Introduced | 02/13/03 |
| Status | Enrolled |

SB 236 (Alpert) Fishing: Bottom Trawling

This bill would prohibit the Department of Fish and Game from authorizing the use of trawl nets to take fish or other marine life from the ocean floor, unless the Fish and Game Commission determines that the operator of each vessel participates in an observer program, and that the bottom trawling does not produce a bycatch of more than 15% by weight of the target catch, and does not cause significant environmental harm to the ocean floor. The bill would allow the use of trawl nets for scientific research and to target certain fish in a manner in which the nets and related gear do not contact the ocean floor. The bill also grants authority to the Fish and

Game Commission to manage all bottom trawl fisheries not currently managed by the National Marine Fisheries Service, including Halibut, Sea Cucumber, Pink Shrimp, and Ridgeback, Spot and Golden Prawns.

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| Introduced | 02/14/03 |
| Status | Held in Senate Appropriations. |
| Last Amended | 04/02/03 |
| Commission Position | Support |

SB 245 (Sher) Fish

This bill would prohibit ocean aquaculture of salmonids, exotic fin fish, and transgenic species in ocean waters regulated by the state. The bill exempts the raising of native salmonid species for the purpose of recovery, restoration or enhancement.

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| Introduced | 02/14/03 |
| Status | Enrolled |

SB 318 (Alpert) Desalinated Water

This bill would require that Urban Water Management Plans, prepared by urban water suppliers and submitted to the Department of Water Resources, must include a description of the opportunities for providing water via desalination.

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| Introduced | 02/19/03 |
| Status | Assembly Third Reading. |
| Last Amended | 04/08/03 |

SB 445 (Kuehl) Coastal Access: State Coastal Conservancy

This bill would require that non-profits must submit to the Executive Directors of both the Commission and the Conservancy a management plan before assuming the operation of a public accessway. This bill would also permit the Conservancy the right of re-entry to re-claim an accessway, if the Conservancy and the Commission determine that it is not being managed consistent with its management plan. This bill also shifts the Coastal Access Account from the General Fund to the Coastal Conservancy Fund.

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| Introduced | 02/20/03 |
| Status | Chaptered by the Secretary of State, Chapter 337, Statutes of 2003 |

SB 619 (Duchenev) Housing

As amended, the relevant section of this bill would amend Section 30604 of the Coastal Act to encourage low and moderate income housing, and prevent the Commission and issuing agencies from requiring measures that reduce residential densities of low and moderate income housing project below the density sought by an applicant if that density is within the permitted density established by local zoning, unless a finding is made that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program. The bill also makes legislative findings that efficient land use is in fact protective of coastal resources.

Introduced 02/20/03
Status Enrolled
Last Amended 06/23/03

Commission Position: Neutral

SB 681 (Morrow) Coastal Commission: Permits

This bill would prohibit coastal development permit conditions that require environmental mitigations for repairing or maintaining seawalls.

Introduced 02/21/03
Status Failed to meet Legislative deadlines. 2-year bill.

Commission Position: Oppose

SB 744 (Dunn) Housing

This bill would create the Housing Accountability Committee, consisting of 5 members appointed as specified, to hear appeals of local government decisions that deny or condition affordable housing projects. It would exempt conditions or mitigation measures imposed pursuant to a coastal development permit.

Introduced 02/21/03
Status Failed to meet Legislative deadlines. 2-year bill.
Last Amended 06/03/03

SB 909 (Machado) Public Water Systems

This bill would specify that private, for-profit water purveyors are eligible for public bond revenues, unless specifically excluded by the language of the bond.

Introduced 02/21/03
Status Hearing cancelled at request of author. 2-year bill
Last Amended 06/23/03

Commission Position: Oppose